

McGuireWoods LLP
1345 Avenue of the Americas
Seventh Floor
New York, NY 10105-0106
Phone: 212.548.2100
Fax: 212.548.2150
www.mcguirewoods.com

Marshall Beil
Direct: 212.548.7004

McGUIREWOODS

mbeil@mcguirewoods.com
Fax: 212.715.2319

November 8, 2013

Via ECF and Email

Honorable Katherine Polk Failla, United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Eastman Chemical Co. v. Nestlé Waters Management & Technology
S.D.N.Y., 11-cv-2589 (KPF) (HBP)

Dear Judge Failla:

On behalf of my client, plaintiff Eastman Chemical Company, I write in response to the letter from Nestlé's counsel of even date requesting an adjournment of the November 12, 2013 conference. Eastman opposes the request.

There is no reason to delay the conference. All that remains to be completed are expert depositions. Under the tentative schedule the parties are discussing, those depositions will be completed the first week in December. The expert reports have all been filed and all other discovery is complete. The pendency of those depositions will not affect the parties' ability to discuss the schedule for dispositive motions and/or trial or to deal with any other issues Your Honor may have. This case, filed in April 2011, is ready to enter its final stage. The factual issues are well defined and have been fully explored. Delaying the conference will not change or enhance the parties' readiness.

Respectfully,



Marshall Beil

cc: Harry H. Rimm, Esq. (via email)